

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAUSCH & LOMB INCORPORATED and
PF CONSUMER HEALTHCARE 1 LLC,

Plaintiffs,

v.

SBH HOLDINGS LLC,

Defendant.

Civil Action No. 20-1463-GBW

MEMORANDUM ORDER

In this patent infringement action between Plaintiffs Bausch & Lomb Incorporated and PF Consumer Healthcare 1 LLC (“Plaintiffs”) and SBH Holdings LLC (“Defendant”), Magistrate Judge Burke issued a Report and Recommendation (the “Report”) (D.I. 260) recommending that the Court grant Plaintiffs’ Motion for Summary Judgment No. 1 of No Invalidity Under 35 U.S.C. § 103 (“Plaintiffs’ MSJ No. 1”) (D.I. 153). Plaintiffs’ MSJ No. 1 seeks summary judgment of no invalidity for obviousness with respect to the asserted claims of U.S. Patent Nos. 6,660,297 and 8,603,522. D.I. 165 at 4-8.

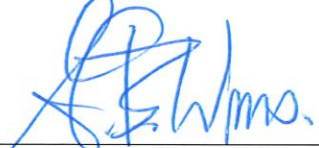
In reviewing a Magistrate Judge’s report and recommendation, the Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The Court may “accept, reject, or modify, in whole or in part” the Magistrate Judge’s findings or recommendations. *Id.* As to those portions to which no objections have been made, the Court must “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.

1987) (explaining the district court's responsibility "to afford some level of review" when no objections have been made).

Here, neither Plaintiffs nor Defendant objected to the Report. The Court has carefully reviewed the Report and has satisfied itself that there is no clear error on the face of the record. In other words, the Court does not find any of Magistrate Judge Burke's findings of fact or conclusions of law to be clearly erroneous. Rather, the Court agrees with Magistrate Judge Burke's findings of fact and conclusions of law. Therefore, the Court adopts the Report in its entirety.

* * *

WHEREFORE, at Wilmington this 14th day of March 2025, **IT IS HEREBY ORDERED** that Magistrate Judge Burke's Report and Recommendation (D.I. 260) is **ADOPTED**.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE